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UNCLAS SECTION 01 OF 02 ANKARA 000294

SIPDIS

DEPARTMENT FOR PM/RSAT AND EUR/SE

E.O. 12958: N/A

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SUBJECT: TURKEY PROVIDES THIRD-PARTY TRANSFER ASSURANCES  
FOR JORDANIAN F-16 UPGRADE

REF: STATE 184538

1. This is an action request -- see para. 4.

2. Embassy received MFA Diplomatic Note no. 2005/ALGY/534937, dated Jan. 26, 2006, which provides the third-party transfer assurances of the Ministry of Defense, on behalf of the Government of Turkey, for the depot structural and electronic Mid-Life Upgrades which Tusas Aerospace Industries, Inc., a Turkish company, has contracted to perform on seventeen U.S.-origin F-16 aircraft belonging to the Government of Jordan. Following is the text of the diplomatic note.

3. Begin Text:

The Ministry of Foreign Affairs of the Republic of Turkey presents its compliments to the Embassy of the United States of America and referring to the Latter's Note no: 1589, dated 5 October 2005, regarding the temporary transfer from the Government of Jordan of seventeen U.S.-origin F-16 aircraft and associated support equipment to Tusas Aerospace Industries Inc., Akinci, Turkey for the purpose of performing depot structural and electronic Mid-Life Upgrades on the said aircraft, has the honor to bring the following to the Latter's attention:

The Ministry of Defence of the Republic of Turkey, in accordance with the Turkish Law no. 5202, dated 29 June 2004, and within the framework of the agreement between the Republic of Turkey and the United States of America dated 14 July 1986, is entitled to provide the necessary assurances and guarantees in the field of security of defence industry on behalf of the Republic of Turkey.

Within this context the Ministry of Foreign Affairs has the honour to state that the Ministry of Defence of the Republic of Turkey understands that in keeping with United States laws and regulations, the United States of America may consider consenting to this transfer only upon being furnished with assurances from the Ministry of Defence of Turkey that it will not permit Tusas Aerospace Industries Inc. to transfer said articles, or any component thereof, by sale, lease, release, assignment, loan to any entity, international organization, or person not an officer, employee, or agent of Tusas Aerospace Industries Inc. or the Government of Turkey, or to use said articles, or any component thereof, for any purpose other than for that specified.

In accordance with the foregoing, the Ministry of Defence of the Republic of Turkey hereby gives its assurances that, unless the prior written consent of the Government of the United States of America has been first obtained:

(A) It will not permit Tusas Aerospace Industries Inc. to retransfer said articles, or any component thereof, by sale, lease, release, assignment, loan to any entity, international organization, or person not an officer, employee, or agent of Tusas Aerospace Industries Inc. Istanbul or to the Government of Turkey;

(B) It will not permit Tusas Aerospace Industries Inc. to use said articles for any purpose other than performing depot structural and electronic Mid-Life Upgrades on the Jordanian fleet of F-16 aircraft;

(C) It will ensure that Tusas Aerospace Industries Inc. maintain the security of said articles and provide substantially the same degree of security protection afforded to such articles by the Government of the United States of America; and

(D) It will retain the ultimate responsibility for ensuring that said articles retained by Tusas Aerospace Industries Inc. remain in the territorial boundaries of the Republic of Turkey and under the legal jurisdiction of the Government of Turkey until such time that said articles are returned to the Government of Jordan.

The Ministry of Foreign Affairs of the Republic of Turkey avails itself of this opportunity to renew to the Embassy of

the United states of America the assurances of its highest consideration.

Ankara, January 26, 2006

End Text.

14. Action Request: Please advise whether the MFA note is acceptable and what further steps we should take, if any.

WILSON